

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff of ECI )  
Communications, Inc. d/b/a ITS Network )  
Services )

Case No. XD-2005-\_\_\_\_\_

**MOTION TO OPEN CASE AND CANCEL  
CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel ECI Communications, Inc. d/b/a ITS Network Services' certificate of service authority to provide interexchange telecommunications services and its tariff. In support of its Motion, Staff respectfully states as follows:

1. In April 2002, the Commission granted ECI Communications, Inc. d/b/a ITS Network Services a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri in Case No. TA-2002-401. The Commission approved the use of the fictitious name "ITS Network Services" and also approved the company's tariff, PSC Mo.-No.1, in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that the company is still in good standing. The company made its most recent filing on September 29, 2004 with the Missouri Secretary of State.

3. "ITS Network Services" is a fictitious name registered to ECI Communications, Inc. according to the records of the Missouri Secretary of State, but the fictitious registration requires no ongoing filing requirements.

4. ECI Communications, Inc. is a Nevada corporation. Its status in Nevada is listed as in "Default" according to the Nevada Secretary of State. The Nevada Revised Statutes at NRS 78.175.2 states that "[o]n the first day of the first anniversary of the month following the month in which the filing was required, the charter of the corporation is revoked and its right to transact business is forfeited." However, that first anniversary date has not yet passed.

5. The telephone number provided to the Commission by the company is no longer in service. The fax number the company provided to the Commission in its Annual Report is out of service as well. In March 2005, the web site of the company at <http://www.itsonline.net/> still functioned, but attempts to obtain telecom services are met with "this page cannot be displayed" pages. As of June 2005, the web site of the company no longer functioned at all.

6. The company owes the Commission a minimal assessment. It does not owe any annual reports. Maxine Paul of TCS in Alpharetta, Georgia, who completed the annual report submissions for ECI Communications, Inc. d/b/a ITS Network Services in the past, has indicated that TCS no longer is retained by the company and they have no information where the company may be contacted beyond that on file with this Commission.

7. Staff believes that ECI Communications, Inc. d/b/a ITS Network Services has violated the terms of its certificate by its failure to keep the Commission informed of its current telephone number or provide current contact information through the annual report process. The company's former representative, TCS, also has indicated it has no way to contact the company. Section 392.210(2) RSMo. (2000) states, among other things, "The commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies... ." Because ECI Communications, Inc. d/b/a ITS Network Services has failed to keep the Commission informed of a current address or telephone number, the Commission is unable to

contact ECI Communications, Inc. d/b/a ITS Network Services. Therefore, ECI Communications, Inc. d/b/a ITS Network Services has denied the Commission access that is required of the Commission under Section 392.210(2) RSMo. (2000). Certainly, ECI Communications, Inc. d/b/a ITS Network Services has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250 RSMo. (2000).

8. No customers have contacted the Commission with complaints about ECI Communications, Inc. d/b/a ITS Network Services since the commencement of the Commission's EFIS system.

9. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

However, the Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

10. Thus, the Commission has the authority to cancel the certificate of service authority it granted to ECI Communications, Inc. d/b/a ITS Network Services to provide intrastate interexchange telecommunications services in Missouri in Case No. TA-2002-401, as well as the company's tariff, PSC Mo.-No.1. Such an action is supported because the company appears to have disappeared and the Commission's Staff is unable to communicate with the company other than by sending letters that do not generate a response.

11. This pleading is being served via certified mail upon the most recent address provided to the Commission by the company. It is also being served by regular mail upon its registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority it granted to ECI Communications, Inc. d/b/a ITS Network Services to provide intrastate interexchange telecommunications services in Missouri in Case No. TA-2002-401, as well as the company's tariff, PSC Mo.-No.1.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

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## Certificate of Service

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 14<sup>th</sup> day of June 2005.

**/s/ David A. Meyer**

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